

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON HOWARD MORRIS,

Defendant.

CR 16–38–M–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 9, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).


Judge Lynch recommended this Court accept Jason Howard Morris’s guilty plea after Morris appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of receipt of child

pornography in violation of 18 U.S.C. § 2252(a)(2) (Count IV), as set forth in the Superseding Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I-III and V-VI of the Superseding Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 55), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Jason Howard Morris's motion to change plea (Doc. 48) is GRANTED and Jason Howard Morris is adjudged guilty as charged in Count IV of the Superseding Indictment.

DATED this 24th day of January, 2018.



Dana L. Christensen, Chief District Judge
United States District Court